

## Message Text

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C O N F I D E N T I A L LISBON 654

E.O. 11652: GDS

TAGS: PINT, MILI, PO

SUBJ: PROPOSAL TO INCREASE POWERS OF NATIONAL SALVATION JUNTA

REF: LISBON 1990 OF MAY 18, 1974

SUMMARY: COORDINATING COMMITTEE OF ARMED FORCES MOVEMENT (AFMCC) HAS REPORTEDLY INTRODUCED CONSTITUTIONAL AMENDMENT IN COUNCIL OF STATE WHICH WOULD GIVE NATIONAL SALVATION JUNTA WIDE-RANGING POWERS. BILL MAY NOT BE PASSED IN PRESENT FORM AND MAY BE WATERED DOWN OR DEFEATED BY UPCOMING PLENARY OF ARMED FORCES NATIONAL ASSEMBLY. BILL APPEARS TO BE ATTEMPT BY LEFTISTS TO OUTFLANK OPPOSITION TO THEIR PROPOSALS IN CABINET, AND TO BYPASS IMPEDIMENTS TO FURTHER CHANGE WHICH PRESENT LAWS PRESENT. END SUMMARY.

1. TWO RELIABLE SOURCES, ONE CDS SECRETARY GENERAL AMARO DA COSTA, AND OTHER LEADING FIGURE (JOAO MOTA AMARAL) IN PPD, HAVE TOLD EMBASSY OF NEW DRAFT PROPOSAL THEY HAVE SEEN WHICH, IF PASSED, WOULD VASTLY INCREASE POWERS OF NATIONAL SALVATION JUNTA. PROPOSAL IN QUESTION PRESENTED TO COUNCIL OF STATE MEMBERS LAST WEEK. ALTHOUGH DRAFTERS NOT INDICATED ON DOCUMENT, SOURCES UNDERSTAND IT COMES FROM PROGRAM COORDINATING COMMITTEE OF ARMED FORCES MOVEMENT.

2. PROPOSAL IS DRAFT ALTERATION TO ARTICLE 10 OF CONSTITUTIONAL LAW 3/74 (REFTEL) OF LAST MAY 14, WHICH ESTABLISHES POWERS OF

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NATIONAL SALVATION JUNTA. DRAFT WOULD ALTER AND INCREASE POWERS

OF JUNTA (WHICH OVERSEES AND PROTECTS AFM PROGRAM) IN NUMEROUS RESPECTS. JUNTA WOULD BE GIVEN POWERS TO PROMULGATE LEGISLATION IN CERTAIN FIELDS, INCLUDING RETROACTIVE LEGISLATION MAKING IT A CRIME TO HAVE BELONGED TO POLITICAL POLICE (DGS) OR PARAMILITARY ORGANIZATIONS LIKE PORTUGUESE LEGION: JUNTA WOULD ALSO BE ALLOWED TO OUTLAW ORGANIZATIONS WHICH DO NOT "GUARANTEE" COMPLIANCE WITH PROGRAM OF AFM AND GIVE EVIDENCE OF SUPPORT FOR LEAST FAVORED CLASSES AND PROGRESSIVE FORCES: LAW WOULD GIVE JUNTA POWERS TO TRY PERSONS FOUND TO BE FASCIST OR REACTIONARY.

3. ACCORDING TO BOTH SOURCES, LAW PRESENTED TO COUNCIL OF STATE SINCE, BY LAW, COUNCIL HAS SOLE POWER TO ALTER CONSTITUTION. IT MAKES DECISIONS BY MAJORITY VOTE, AFTER WHICH BILL GOES TO PRESIDENT OF REPUBLIC FOR SIGNATURE. IN CASE OF CONSTITUTIONAL LAW, CABINET APPROVAL NOT REQUIRED.

4. MOTA AMARAL BELIEVES THAT AFMCC INTENTION IN PRESENTING BILL TO COUNCIL OF STATE (WHERE MILITARY AT PRESENT HAS 15 OF 20 SEATS) IS TO INCREASE JUNTA POWERS IN ORDER TO BYPASS GROWING RESISTANCE OF SOCIALISTS AND PPD MODERATES TO "REVOLUTIONARY LEGISLATION" IN CABINET. HE ALSO SEES THIS AS ATTEMPT TO GET LAW ON BOOKS BEFORE NATIONAL COUNCIL OF ARMED FORCES MEETS IN PLENARY SESSION FEBRUARY 6 TO CONSIDER QUESTION OF "INSTITUTIONALIZATION" OF AFM (I.E., GIVING AFM A FORMAL ROLE IN GOVERNMENTAL AND LEGISLATIVE PROCESS WHICH IT NOW LACKS). MOTA MARAL THINKS THAT PLENARY WOULD NOT APPROVE THIS REVOLUTIONARY LAW, AND THAT HENCE ITS PRESENTATION TO COUNCIL OF STATE AN UNDERHANDED ATTEMPT TO BEAT THE AFM PLENARY TO THE DRAW.

5. AMARA DA COSTA HAS A DIFFERENT VIEW. HE BELIEVES (OR HOPES) THAT BILL PRESENTED ONLY AS A TACTICAL MANEUVER BY AFMCC IN ORDER TO GET A MORE "PROGRESSIVE" VERSION OF AFM INSTITUTIONALIZATION OUT OF A BASICALLY MODERATE PLENARY THAN WOULD OTHERWISE BE POSSIBLE.

6. COMMENT: EDITORIAL IN MOST RECENT EDITION OF THE ARMED FORCES BULLETIN--ORGAN OF AFMCC--HAS COMPLAINED ABOUT LACK OF ADEQUATE LAWS ALLOWING FOR PURGE FROM GOVERNMENT ORGANS OF OPPONENTS AND "FASCISTS." EDITORIAL CALLS INTO QUESTION PRESENT METHOD OF DECISION-MAKING IN GOVERNMENT, NOTING

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THAT CONSENSUS IS RULE UNDER PRESENT CONSTITUTION. IN PRESENT CIRCUMSTANCES, DUTY OF AFM IS TO "BREAK DEADLOCK" CAUSED BY NEED FOR CONSENSUS AND TO EXERCISE ITS "FULL REVOLUTIONARY RESPONSIBILITIES."

7. WE BELIEVE THAT PRESENTATION OF DRAFTBILL TO COUNCIL OF STATE AN ATTEMPT BY LEFTISTS IN MILITARY TO BYPASS POLITICAL OPPOSITION IN CABINET AS WELL AS OLD LAWS AND MODERATE

CIVILIAN PARTIES.

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